

Colonel Packard then addressed the Senate briefly.

Adjournment

Senator Vick moved that the Senate adjourn until 10:00 o'clock a.m. tomorrow.

Senator Phillips moved that the Senate adjourn until 10:00 o'clock a.m. Monday.

Question first recurring on the motion of Senator Phillips, it prevailed.

The Senate accordingly at 12:25 o'clock p.m. adjourned until 10:00 o'clock a.m. Monday, March 28, 1949.

FORTY-FIRST DAY

(Monday, March 28, 1949)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called, and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

A quorum was announced present.

The Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Taylor, and by unanimous consent, the reading of the Journal of the proceedings of Thursday was dispensed with and the Journal approved.

Senate Bill 422 on First Reading

Senator Kelley of Hidalgo moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	

Absent

Ashley	Cousins
Bullock	Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Kelley of Hidalgo:

S. B. No. 422, A bill to be entitled "An Act creating a County Court at Law of Nueces County, Texas, and prescribing its jurisdiction; transferring the jurisdiction, civil and criminal, original and appellate, of the County Court of Nueces County except jurisdiction in matters of probate and eminent domain to the County Court at Law of Nueces County; transferring to the County Court at Law of Nueces County all jurisdiction which has heretofore been transferred from the County Court of Nueces County to the 117th Judicial District; prescribing the time and terms of the County Court at Law of Nueces County; providing that appeals from Justice Courts and other inferior courts in Nueces County shall be made direct to the County Court at Law of Nueces County; providing that the District Clerk of the District Court of the 117th Judicial District shall make full and complete transcript of all original papers upon the civil docket heretofore made in cases which are transferred by this Act to the County Court at Law of Nueces County; prescribing the qualifications of the Judge of the County Court at Law of Nueces County; providing for his election; providing for the appointment of the County Judge of the County Court of Nueces County by the County Judge of Nueces County until the next general election; providing for the appointment

of the Judge to the County Court at Law in Nueces County in case of other vacancies by the County Judge of Nueces County; providing for the selection of a Special Judge of the County Court at Law of Nueces County in case of disqualification of the Judge of the County Court at Law of Nueces County and setting his per diem; providing that the Judge of the County Court at Law shall execute a bond and take the oath of office; providing for the removal of the Judge of the County Court at Law of Nueces County for the same causes as any other County Judge may be removed under the laws of this State; providing for the appointment of an official shorthand reporter for the County Court at Law of Nueces County and prescribing his compensation; providing for an official seal; providing that the County Clerk in Nueces County shall be the Clerk of the County Court at Law of Nueces County; providing that the Sheriff of Nueces County or his deputy shall attend the said Court when required by the Judge thereof; providing that the County Attorney of Nueces County shall represent the State in all prosecutions pending in said Court; providing for the drawing, selection and service of jurors of said Court; prescribing the compensation of the Judge of the County Court at Law of Nueces County; repealing Section 4 and such portions of Section 5 of Subdivision 117 of Article 199, R. C. S., 1925, as amended, relative to the 117th Judicial District, only to the extent that said sections are in conflict with this Act; providing that this Act shall not be construed as repealing any other portions of Subdivision 117 of Article 199; providing that this Act shall be severable; and declaring an emergency."

To Committee on Counties and County Boundaries.

Senate Bill 423 on First Reading

Senator Kelley of Hidalgo moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin
Bell

Bracewell
Carney

Colson	McDonald
Corbin	Moffett
Hardeman	Moore
Harris	Morris
Hudson	Phillips
Jones	Proffer
Kelley of Hidalgo	Shofner
Kelly of Tarrant	Strauss
Lane	Taylor
Lock	Tynan
Martin	Vick

Absent

Ashley	Hazlewood
Bullock	Weinert
Cousins	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Kelley of Hidalgo:

S. B. No. 423, A bill to be entitled "An Act amending House Bill No. 908, Acts of the 46th Legislature, 1939, Regular Session, Chapter 8, page 600, (being Article 1645a-1, Vernon's Civil Statutes of Texas) so as to provide for additional compensation for County Auditors in counties having a population of not less than 90,000 inhabitants and not more than 225,000 inhabitants according to the last preceding Federal Census and having a valuation of not less than \$120,000,000 and not more than \$150,000,000 according to the last approved tax roll, where the county auditor acts as Purchasing Agent for the County in addition to performing the regular duties of his office, and declaring an emergency."

To Committee on Counties and County Boundaries.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills and Resolutions:

S. B. No. 103, A bill to be entitled "An Act authorizing the Commissioners' Court of any county or counties and the municipal authorities of any city or cities, towns, school boards and school districts, and any other governmental entity to cooperate in

the establishment of a coordinated health program and by mutual agreement to provide for the payment of all costs incident thereto, and declaring an emergency."

S. B. No. 120, A bill to be entitled "An Act to amend Title 32, Chapter 3, of the Revised Civil Statutes of the State of Texas, 1925, by adding a new article thereto entitled Article 1327a, declaring and confirming the authority of directors of corporations to pay pensions and to adopt and to amend and to discontinue pension plans, including, but not limited to, the power to contract with insurance carriers with reference thereto, and the power to establish pensions trusts; and declaring an emergency."

S. B. No. 156, A bill to be entitled "An Act creating and establishing Hidalgo County Road District Number 10 in Hidalgo County, Texas, under Article III, Section 52 of the Constitution of Texas, for the purpose of the construction, operation, and maintenance of macadamized, graveled, or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued; authorizing the district to issue bonds upon two-thirds (2/3) vote of the property taxpaying voters voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment, and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the district; providing that in awarding contracts for road construction the Commissioners Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that a portion of the District hereby created is also included in another Road District having outstanding bonds shall not affect the District hereby created or its powers hereby granted; determining that all of the lands in said District shall be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other General or Special Laws; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof; and declaring an emergency."

H. C. R. No. 36, Granting Raymond Adams permission to sue the State.

H. C. R. No. 40, Granting T. E. Hall permission to sue the State.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

(President in the Chair.)

Senate Joint Resolutions on First Reading

By unanimous consent, the following Senate Joint Resolutions were introduced, read first time and referred to the committees indicated:

By Senator Vick:

S. J. R. No. 12, Proposing an Amendment to Section 4 of Article IV of the Constitution of the State of Texas so as to provide that the Governor shall hold his office for the term of four (4) years and to provide that no person holding the office of Governor shall succeed himself in office; providing for an election on the question of the adoption or rejection of such Amendment and making an appropriation therefor; providing for the proclamation and publication therefor and prescribing a form of ballot.

To Committee on Constitutional Amendments.

By Senator Vick:

S. J. R. No. 13, Proposing an amendment to Section 22 of Article IV of the Constitution of the State of Texas so as to provide that the Attorney General shall hold his office for the term of four (4) years and to provide that no person holding the office of Attorney General shall succeed himself in office; providing for an election on the question of the adoption or rejection of such amendment and making an appropriation therefor; providing for the proclamation and publication therefor and prescribing a form of ballot.

To Committee on Constitutional Amendments.

By Senator Vick:

S. J. R. No. 14, Proposing an amendment to Section 16 of Article IV of the Constitution of the State of Texas so as to provide that the Lieutenant Governor shall hold his office for the

term of four (4) years and to provide that no person holding the office of Lieutenant Governor shall succeed himself in office; providing for an election on the question of the adoption or rejection of such amendment and making an appropriation therefor; providing for the proclamation and publication therefor; and prescribing a form of ballot.

To Committee on Constitutional Amendments.

Senate Bill 424 on First Reading

Senator Vick moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	

Absent

Cousins	Weinert
---------	---------

The following bill was then introduced, read first time and referred to the committee indicated:

By Senators Vick and Moore:

S. B. No. 424, A bill to be entitled "An Act making an appropriation of \$2,800 for the repair and preservation of the columns of the Old Baylor University Building, located in the Independence State Park, and declaring an emergency."

To Committee on Finance.

Co-Author of Bill

Senator Moore asked unanimous consent to be shown as co-author of S. B. No. 424.

There was no objection offered.

Senate Bill 425 on First Reading

Senator Vick moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	

Absent

Cousins	Weinert
---------	---------

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Vick:

S. B. No. 425, A bill to be entitled "An Act to amend Article 534 of the Penal Code of the State of Texas, as amended by Acts 1907, page 209; Acts 1918, 4th C. S., p. 125; Acts 1929, 41st Legislature, Chapter 103; and declaring an emergency."

To Committee on Criminal Jurisprudence.

Senate Bill 426 on First Reading

By unanimous consent, the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Kelley of Hidalgo:

S. B. No. 426, A bill to be entitled "An Act to amend Article 5139, Revised Civil Statutes of Texas, 1925, as amended, the last amendment being House Bill 257, Acts of the 50th Legislature, 1947, Chapter 326, page 560, (relative to County Juvenile Boards in certain counties) so as to provide

for compensation of all members of Juvenile Boards in counties having a population of 100,000 or over; and declaring an emergency."

To Committee on Counties and County Boundaries.

Senate Bill 427 on First Reading

Senator Kelley of Hidalgo moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	

Absent

Cousins	Weinert
---------	---------

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Kelley of Hidalgo:

S. B. No. 427, A bill to be entitled "An Act authorizing Commissioners' Courts of counties bordering on the Gulf of Mexico and in which is located any island or islands suitable for park purposes, to create a Board of Park Commissioners in such counties; providing for the appointment of the members of the Board; providing for expenses for the Board; prescribing the powers and duties of the Board; providing that no member or employee of the Board shall acquire any interest in any business within the confines of any public park administered by such Board; providing that the members of the Board may be removed by the County Judge for inefficiency, neglect of duty or mis-

conduct in office; providing this Act shall be cumulative; providing this Act shall be severable; and declaring an emergency."

To Committee on State Affairs.

Senate Resolution 94

Senator McDonald offered the following resolution:

Whereas, The Honorable Johnny Tomlin, formerly of Tyler, Texas, but now of Pecos, Texas, is a visitor in the Capital City; and,

Whereas, The said Johnny Tomlin is a law partner of our fellow member, Senator Hill Hudson; and,

Whereas, The members of the Senate would like to look upon the working member of Senator Hudson's firm; therefore, be it

Resolved, That the Senate of the State of Texas welcomes the Honorable Johnny Tomlin to the Capital City and the privileges of the floor are extended to him for this day.

The resolution was read and was adopted.

Communication

The following communication was ordered printed in the Journal:

March 26, 1949.

Lt. Governor Allan Shivers
State Capitol
Austin, Texas

Dear Governor Shivers:

It will be greatly appreciated if you will extend to your fine colleagues in the Senate of the State of Texas our sincere thanks for their interest in our problems and activities at the Medical Branch. We are all delighted at the kindnesses you and your group showed to us on your recent visit here. We are happy indeed that you brought your wives with you, and that you gave us an opportunity to visit with you informally. We want you to know that we appreciate it greatly.

Let me take this opportunity to assure you and your colleagues of our earnest and sincere desire to do everything we possibly can with the facilities available for us for the benefit of the health and welfare of the people of Texas. We keep this before us as a prime objective. We hope sincerely that you will give us at any time you think appropriate the bene-

fit of your suggestions, comments or criticisms.

Your visit was a real inspiration and stimulus to us. We are grateful for it.

Sincerely yours,

CHAUNCEY D. LEAKE,
Vice-President.

Senate Bill 5 with House Amendments

Senator Kelley of Hidalgo called S. B. No. 5 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the following House amendments were read:

(1)

Amend S. B. No. 5, Section 1, line 4 by deleting the words and figures "twenty thousand (20,000)" and substituting in lieu thereof the words "twenty thousand one hundred (20,100)."

(2)

Amend S. B. No. 5, Section 1, line 7 by deleting the words and figures "Twenty-five Million (\$25,000,000.00)" and substituting in lieu thereof the words "thirty million (\$30,000,000.00)."

(3)

Amend S. B. No. 5, Section 1, line 13 by deleting the words and figures "Thirty-five (35c)" and substituting in lieu thereof the words "Twenty-five (25c)."

(4)

Amend S. B. No. 5, page 1, the last line thereof, by changing the semicolon after the word "costs" to a comma and deleting the words "the payment of principal and interest."

(5)

Amend S. B. No. 5, Section 1, page 2, lines 1 and 2 by deleting the words "of bonds, to provide sinking funds for existing or future bond issues,".

(6)

Amend S. B. No. 5, Section 3, page 3, line 13 by deleting the words and figures "Thirty-five (35c)" and substituting in lieu thereof the words "Twenty-five (25c)."

Question—Shall the Senate concur in the House amendments to the bill?

Senate Bill 28 on Second Reading

The President laid before the Senate as a special order for this hour, on its second reading and passage to engrossment:

S. B. No. 28, A bill to be entitled "An Act amending House Bill No. 17, Acts of the Regular Session of the Forty-sixth Legislature, so as to provide that such Act shall be administered by the 'Texas Real Estate Commission,' providing for the appointment of such Commission and the qualifications and tenure of the members; providing for an Administrator, defining the powers, duties and responsibilities of the Commission and the Administrator and the compensation of the Commission and the Administrator; providing for a bond by the Administrator; making provision for license fees; making provision for the transfer of records from the Secretary of State to the 'Texas Real Estate Commission'; making provisions for licenses already issued; making provision for process, notices, applications, orders and other instruments issued or filed at the time this Act becomes effective; making provisions for pending suits; providing that the 'Texas Real Estate Commission' shall stand in lieu of the Secretary of Texas and the Administrator of the Securities Division in so far as House Bill No. 17, Acts of the Regular Session of the Forty-sixth Legislature, is concerned; making certain exceptions thereto; providing criminal penalties and enforcement actions for violations; providing a savings clause; and declaring an emergency."

The bill was read second time.

(Senator Taylor in the Chair.)

Senator Martin offered the following amendment to the bill:

Amend Senate Bill No. 28, page 8, line 41 of the printed bill, by changing the period to a comma and adding the following:

"It shall take a preponderance of the evidence offered before said district court for the court to enter a judgment, and the substantial evidence rule shall not be used, and the right of trial by jury shall be had in all cases when called for."

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend Senate Bill No. 28 by Carney by adding two new and additional sections between Section 11 and Section 12, to be known as "Section 11A" and "Section 11B," which shall read as follows:

"Section 11A. The license of any licensee, under any of the provisions of this Act, shall be cancelled by the Commission, upon proof showing that the licensee has been: (a) convicted of a felony under the laws of this State or of the United States; (b) convicted of unlawfully practicing law under the laws of this State in a criminal proceeding; (c) adjudged in a civil proceeding to have unlawfully practiced law in this State."

"Section 11B. The license of any licensee licensed under any provisions of this Act shall be cancelled by the Commission upon proof that the licensee has engaged in, been guilty of, or committed acts constituting the unlawful practice of law, as defined by Chap. 238, Acts of the 43rd Legislature of this State, or who, not being licensed and authorized to practice law in this State, for a consideration, reward, pecuniary benefit, present or anticipated, direct or indirect, or in connection with or as a part of his employment, agency, or fiduciary relation, as such licensee, draws any deed, note, deed of trust, will, or other written instrument that may transfer or in anywise affect the title or interest in land, or advises or counsels any person as to the validity or legal sufficiency of any such instrument above mentioned or as to the validity of the title of real estate.

"Upon complaint by affidavit of any credible person that any licensee under the provisions of this Act has been guilty of, or has committed any of the acts mentioned in this section, the Commission shall notify the licensee of the filing of such complaint and the date a hearing will be had thereon. After hearing the Commission shall enter such order as to it appears proper under the facts presented. Either party may appeal from that decision to any district court of the county where such licensee resides, where a trial de novo shall be had under the rules of procedure governing civil cases in the district courts."

HAZLEWOOD
HARDEMAN

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 28 on Third Reading

Senator Carney moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 28 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Nays—1

Bracewell

Absent

Hazlewood

Weinert

The presiding officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Ashley	Lane
Bell	Martin
Carney	McDonald
Corbin	Moffett
Cousins	Moore
Hardeman	Morris
Harris	Phillips
Hudson	Proffer
Jones	Shofner
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Nays—7

Aikin	Lock
Bracewell	Strauss
Bullock	Taylor
Colson	

Absent

Hazlewood

Weinert

**Committee Substitute
Senate Bill 275 on Second Reading**

The presiding officer laid before the Senate as a special order for this hour on its second reading and passage to engrossment:

C. S. S. B. No. 275, A bill to be entitled "An Act creating Sabine River Authority; providing for the appointment of a Board of Directors; prescribing powers and duties of the Authority; enacting other provisions related to the subject; and declaring an emergency."

The bill was read second time.

Senator Morris offered the following committee amendment to the bill:

Amend Committee Substitute for Senate Bill 275 by striking out all of Section 7 thereof and inserting in lieu thereof the following:

"Sec. 7. The Directors shall receive as fees of office the sum of not more than Twenty (\$20.00) Dollars for each day of service necessary to discharge their duties, plus actual expenses, provided that such compensation and expenses are approved by vote of the Board of Directors. Each Director shall file with the Secretary a statement showing the amount due him each month or as soon thereafter as practicable, and before check shall be issued therefor."

Senator Harris moved to table the amendment.

The motion to table was lost by the following vote:

Yeas—14

Ashley	Lock
Bell	Martin
Bracewell	Shofner
Hardeman	Strauss
Harris	Taylor
Hudson	Tynan
Kelly of Tarrant	Vick

Nays—15

Aikin	Lane
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Jones	Proffer
Kelley of Hidalgo	

Absent

Hazlewood	Weinert
-----------	---------

(President in the Chair)

On motion of Senator Morris, the amendment was withdrawn.

Senator Morris then offered the following committee amendment to the bill:

Amend Committee Substitute for Senate Bill 275, Section 9 by inserting after the words "the State Auditor annually," the following: "in such manner as to enable him to report to the Legislature as to the manner and purpose of the expenditure of all funds of the District."

The amendment was adopted.

Senator Morris offered the following committee amendment to the bill:

Amend Committee Substitute for Senate Bill 275 by striking out all of Section 12 thereof and inserting therefor the following:

"Sec. 12. No Director, Engineer or Employee of the District, either for themselves or as agent for anyone else, shall benefit directly or indirectly by reason of any sale, purchase or contract entered into by the Board. If any such person shall directly or indirectly become interested in any such contract, sale, or purchase, he shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum of not to exceed One Thousand (\$1,000.00) Dollars or by confinement in the County Jail for not less than six (6) months nor more than one (1) year or by both fine and imprisonment. Provided further, that in the purchase or sale of any realty bought or sold by the District from or to any Director, Engineer or Employee of the District the value of such property shall be fixed by a Board of three disinterested citizens, residents of the County in which the property lies, such Board to be appointed by the District Judge thereof."

The amendment was adopted.

Senator Morris offered the following committee amendment to the bill:

Amend Committee Substitute for Senate Bill 275 by striking out all of said sub-division (e) of Section 14 and inserting in lieu thereof the following:

"(e) For the irrigation of lands within the State of Texas where irrigation is required for agricultural

purposes, or may be deemed helpful to more profitable agricultural production, and for the equitable distribution of said waters to the regional potential requirements for all uses, hydro-electric, domestic, municipal, manufacturing and irrigation, provided that no steam generating capacity shall be installed by the Authority. All plans and all works provided by said district, and as well, all works which may be provided under authority of said district shall have primary regard to the necessary and potential needs for water. The sale of water by the Authority, and the compensation charged therefor shall be subject to regulation by the Board of Water Engineers of the State of Texas, upon its own initiative or upon complaint of any user of such water, but such regulation shall be subject to the requirements of subdivision (m) of this Section 14."

The amendment was adopted.

Senator Morris offered the following committee amendment to the bill:

Amend Committee Substitute for Senate Bill 275, renumbered Section 18, sub-section (a) by striking out all of said sub-section (a) and inserting in lieu thereof the following:

"Sec. 18. (a) For the purpose of providing funds for any purpose authorized by this Act the District shall have the power and is hereby authorized to issue bonds from time to time as authorized by this Act, provided that the aggregate principal amount of such bonds outstanding at any one time shall not exceed Twenty-five Million (\$25,000,000.00) Dollars. Provided, however, that in the event any outstanding bonds shall be paid at maturity other than through the application of the proceeds of other bonds or through the issuance of other bonds in exchange therefor; or shall be retired prior to the stated maturity thereof and operation of any sinking fund provided for the bonds so retired and in the proceedings authorizing the same, or from the proceeds of the sale of property, the aggregate principal amounts of bonds herein authorized to be outstanding at any one time shall be reduced by the principal amount of the bonds so paid or retired. Any additional amount of bonds must be authorized by an Act of the Legislature. The District is hereby empowered, without the necessity of an election,

to issue such bonds to be payable from such revenues of the District as are pledged by resolution of the Board of Directors."

The amendment was adopted.

Senator Cousins offered the following amendment to the bill:

Amend C. S. S. B. No. 275, page 9, line 36 by adding the following after the word "thereof": "providing further that there is excepted from the area covered by the Neches River Conservation District, all the area presently covered by the Lower Neches Valley Authority. It is the intent of the Legislature to preserve the present area and authority of the Lower Neches Valley Authority."

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend C. S. S. B. No. 275, Sec. 7 by adding at the end thereof the following:

"Provided that no director shall receive any compensation for exceeding 30 days in any one calendar year."

The amendment was adopted.

Senator Morris offered the following committee amendment to the bill:

Amend Committee Substitute for Senate Bill 275 by inserting a new Section after Section 16, to be known as Section 17 and by renumbering of subsequent sections to conform thereto, such new Section 17 to read as follows:

"Sec. 17. The Board of Directors of the Authority hereby created is hereby authorized to accept grants and gratuities in any form for the purpose of promoting, establishing and accomplishing the objectives herein set forth. Any and all grants and gratuities shall be strictly accounted for and shall be subject to the same rules, regulations and audits by the Texas State Auditor as are other funds handled or disbursed by the governing board of the Authority."

The amendment was adopted.

On motion of Senator Morris and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

Senator Ashley offered the following amendment to the bill:

Amend Section 17, Senate Bill No. 275, by adding the following language:

"Provided that no agreement, contract or commitment shall ever be made which, under any contingency, could or would result in the Government of the United States or any of its agencies or bureaus claiming the right or privilege of controlling or managing the properties and facilities of the district or the control or disposition of the water of the Sabine River or its tributaries. Nothing herein provided is intended to prohibit compliance in the existing Federal regulations provided compliance therewith is done upon the advice and approval of the Attorney General of the State of Texas."

The amendment was adopted.

The bill was passed to engrossment.

Committee Substitute Senate Bill 275 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 275 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Nays—1

Lock

Absent

Cousins

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Lane
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Nays—1

Lock

Absent

Cousins

Senate Bill 372 on Second Reading

Senator Colson asked unanimous consent to suspend the regular order of business to take up S. B. No. 372 for consideration at this time.

The President announced that there was objection.

Senator Colson then moved to suspend the regular order of business to take up S. B. No. 372 for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lane
Ashley	Lock
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Hazlewood	Shofner
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Nays—5

Hardeman	Strauss
Harris	Vick
Martin	

Absent

Cousins

The President then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 372, A bill to be entitled "An Act amending Article 1302, Chapter 1 of Title 32 of the Revised Civil Statutes of the State of Texas, 1925, by adding thereto a new subdivision, to be known as Subdivision 87A providing for the formation of private corporations to engage in the business of acquiring, planting growing, protecting, conserving, harvesting, using and selling timber and trees, purchasing, manufacturing and selling products therefrom, and owning and holding land necessary for such business; also to engage, individually or in conjunction with Governmental authorities and others, in program of reforestation and timberland fire prevention; and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Senate Resolution No. 97

Senator Bullock offered the following resolution:

Whereas, A group of students from the Breckenridge, Texas, High School is now in the Capitol; and

Whereas, The above group has shown their desire to learn of the functions of their State Government so that upon reaching the age of voting, they can intelligently participate; and

Whereas, The Senate of the State of Texas appreciates the interest shown by these students and their teachers by making this trip to Austin; now, therefore, be it

Resolved, By the Senate of the State of Texas, that we extend a cordial welcome to these students and their teachers, and that a copy of this Resolution, under seal of the Senate, be forwarded to the Breckenridge, Texas, High School, as evidence of this recognition.

The resolution was read and was adopted.

Bills Signed

The President signed in the presence

of the Senate, after giving due notice thereof, the following enrolled bills:

S. B. No. 120, A bill to be entitled "An Act to amend Title 32, Chapter 3, of the Revised Civil Statutes of the State of Texas, 1925, by adding a new article thereto entitled Article 1327a, declaring and confirming the authority of directors of corporations to pay pensions and to adopt and to amend and to discontinue pension plans, including, but not limited to, the power to contract with insurance carriers with reference thereto, and the power to establish pensions trusts; and declaring an emergency."

S. B. No. 156, A bill to be entitled "An Act creating and establishing Hidalgo County Road District Number 10 in Hidalgo County, Texas, under Article III, Section 52 of the Constitution of Texas, for the purpose of the construction, operation, and maintenance of macadamized, graveled, or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued, etc.; and declaring an emergency."

S. B. No. 103, A bill to be entitled "An Act authorizing the Commissioners' Court of any county or counties and the municipal authorities of any city or cities, towns, school boards and school districts, and any other governmental entity to cooperate in the establishment of a coordinated health program and by mutual agreement to provide for the payment of all costs incident thereto, and declaring an emergency."

H. B. No. 197, A bill to be entitled "An Act making appropriation for an increase in salaries of state officials and state employees for the period beginning with the effective date of this Act and ending on August 31, 1949, supplementing the salaries designated and/or provided for in House Bill No. 246, Acts of the Regular Session of the 50th Legislature; and declaring an emergency."

H. B. No. 101, A bill to be entitled "An Act amending the 'Lower Colorado River Authority Act,' Chapter 7 (S. B. No. 2), Acts of the Fourth Called Session of the Forty-third Legislature and the amendment thereto as set out in Chapter 2 (Title: Water—S. B. No. 346), of the Special Laws of the Forty-sixth Legislature,

Regular Session, by amending Section 10 so as to authorize the District to issue bonds for any corporate purpose; providing that the aggregate principal amount of such bonds outstanding at any one time shall not exceed Fifty Million (\$50,000,000.00) Dollars, and declaring an emergency."

**House Concurrent Resolutions
on First Reading**

The following resolutions, received from the House, were laid before the

Senate, read and referred to the committees indicated:

H. C. R. No. 36, to the Committee on Civil Jurisprudence.

H. C. R. No. 40, to the Committee on Civil Jurisprudence.

Recess

On motion of Senator Harris, the Senate at 12:15 o'clock p.m., took recess until 10:00 o'clock a.m. tomorrow.

In Memory of
Honorable Ross S. Sterling

Senator Bracewell offered the following resolution:

(Senate Resolution 95)

Whereas, God in His Infinite Wisdom, on the twenty-fifth day of March, 1949, called to rest the Honorable Ross Shaw Sterling of Harris County, a former Governor beloved by the citizenry of the entire State of Texas; and

Whereas, Ross Sterling was born on the twenty-second day of February, 1875, near Anahuac, being a descendant of Luke Bryan, who fought with General Sam Houston's Army in the Battle of San Jacinto; and

Whereas, Ross Sterling was reared on a farm in Chambers County, without the benefit of economic advantages, necessitating his withdrawal from formal schooling at the age of thirteen to assist in the support of his family by working on the farm and in his father's country store; and

Whereas, As a young man, he freighted farm products across the bay to Galveston in a sail boat and later opened a country store in the Sour Lake Oil Field, expanding such business through his energy and resourcefulness to Humble, Dayton, and Batson, in which towns he also acquired banks and other interests; and

Whereas, In 1910, he bought two small producing oil leases in the Humble Oil Field, pioneering in the oil industry of Texas, from which, through his ingenuity, together with that of his associates, formed the nucleus of the Humble Oil and Refining Company, which is today, one of the leading industries of the State of Texas; and

Whereas, He thereafter directed his energies to other fields of endeavor in the Gulf Coast Area, constructing a twenty-three mile long railroad between Dayton and Goose Creek, and in the year 1925 began building skyscrapers and developing other properties in the City of Houston and surrounding territories, exhibiting his business adaptability in many diversified fields; and

Whereas, He entered the newspaper business in 1925 with the purchase of the Houston Dispatch and the Houston Post, which he combined as the Houston Post Dispatch, and which paper subsequently became the present Houston Post, and in conjunction with his newspaper, established Radio Station KPRC, the first commercial broadcasting station in Houston; and

Whereas, He served as Chairman of the Houston Port Commission during the early years of its growth, contributing substantially to the development of that great world gateway; and

Whereas, He aided and assisted in innumerable worthwhile civic and charity undertakings, serving as a member of the Hermann Hospital Board from the time of its inception, was chosen in 1925 by the Rotary Club as Houston's outstanding citizen, and two years ago was awarded the annual award for citizenship by the Sons of the American Revolution; and

Whereas, In 1924, he and Mrs. Sterling gave to the Young Men's Christian Association a tract of land on Trinity Bay for a camp for boys of South Texas, which camp is known as Camp Ross Sterling, Jr., in memory of their son who died that year, which camp has served as a recreation center for boys in the Gulf Coast Area for the past twenty-five years; and

Whereas, Ross Sterling served with distinction as Chairman of the State Highway Commission, during which time he launched an ef-

fective program of highway building, which stands as a monument to his genius of organization and administration; and

Whereas, in 1930, he was elected Governor of the State of Texas, serving as Chief Executive during the years 1931 and 1932, during which administration he continued his highway construction program, building highways in every part of the State of Texas, to be used and enjoyed by generations to follow; and

Whereas, During his administration as Governor of Texas, among other great achievements, Ross Sterling recommended laws which were subsequently passed permitting the Railroad Commission to limit oil production by proration, which laws were far-reaching in the conservation of the great natural resources of this State; and

Whereas, After his administration as Governor of Texas, undaunted by extreme financial reverses resulting from the neglect of his personal business to devote unselfishly of all of his time and energy to the welfare of the State of Texas, Ross Sterling again exhibited those attributes and remarkable traits of American business ability by launching again into the business world and attaining financial success through the Sterling Oil and Refining Company, which he organized in 1933; and

Whereas, Throughout his life, Ross Sterling exemplified the American way of life and personified the spirit of free enterprise through his rise from obscurity under adverse conditions to become Governor of Texas, the highest office within the gift of the people of this State; and

Whereas, Ross Sterling exemplified the spirit of American individualism and initiative by rising from his early days of poverty to amass a fortune; and

Whereas, The courage he displayed after the loss of his financial endeavors, rising undaunted and with a determination to become again financially successful, served as a challenge to the people of the State and exemplified in Ross Sterling a faith in the American way of living, which is unparalleled in the modern history of this State; and

Whereas, during the last fifty years of his life, there stood at his side, his wife and helpmate, the former Miss Maudie Abbie Gage, who survives him, together with their four children, Walter G. Sterling of Houston, Mrs. Wyatt C. Hedrick of Houston, Mrs. Cleo Miller of Houston, and Mrs. Winston Wheeler of Wichita, Kansas; now, therefore, be it

Resolved, By the Senate of the State of Texas that this Body acknowledge with regret the loss to the State of Texas which occurred with the passing of Ross Sterling, who will ever be remembered in the history of this State as a Governor of judgment and foresight, a public servant imbued with the principles of democracy, a man possessed with the qualities of ingenuity and ability, a great statesman, a Christian gentleman, a loving husband and a kind father; and be it further

Resolved, That copies of this Resolution be forwarded to his widow and their four children, and that when the Senate adjourns today, it do so in memory of Governor Ross S. Sterling.

BRACEWELL

Signed—Allan Shivers, Lieutenant Governor, Aikin, Ashley, Bell, Bullock, Carney, Colson, Corbin, Cousins, Hardeman, Harris, Hazlewood, Hudson, Jones, Kelley of Hidalgo, Kelly of Tarrant, Lane, Lock, Martin, McDonald, Moffett, Moore, Morris, Phillips, Proffer, Shofner, Strauss, Taylor, Tynan, Vick, Weinert.

The resolution was read.

On motion of Senator McDonald, the names of the Lieutenant Governor and all Members of the Senate were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.

In Memory of
Barney L. Harrison

Senator Morris offered the following resolution:

(Senate Resolution 96)

Whereas, On the 23rd day of February, 1949, Barney L. Harrison was called to his Heavenly reward; and

Whereas, Mr. Harrison's untimely death culminated an outstanding lifetime of leadership and service to his fellow man; and

Whereas, He had long been prominent in local civic affairs and had taken a keen interest in the affairs of his city, state and national governments, having been appointed to the State Prison Board in 1943 and having ably and faithfully served for six years at that post before retiring from the Board on February 1st of this year; and

Whereas, He was a faithful and sincere Christian layman, being a loyal and active member of the Methodist Church for many years; and also holding membership in various Masonic bodies; and

Whereas, He was a faithful and devoted husband; and

Whereas, He filled all the years allotted to him with a devoted service to his family, his friends and to his community, being at all times ready and willing to help his fellow man; and

Whereas, It is the desire of the Senate of Texas to recognize and to pay tribute to the memory and to the useful life of this outstanding Texan, and to express sympathy to his family; now, therefore, be it

Resolved, By the Senate of Texas, that the loss of this esteemed citizen and civic leader is a loss to the City of Greenville and to the entire State, and that a copy of this Resolution be sent to the members of his family as a tribute to his life of unselfish service; and, be it further

Resolved, That when the Senate adjourns today it do so in respect to the memory of Barney L. Harrison.

The resolution was read and was adopted.